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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 KRISTEN L. CALLAHAN,

12 Plaintiff,

13 v.

14 EQUIFAX INFORMATION SERVICES, LLC,
15 CSC CREDIT SERVICES (now part of Equifax
16 Information Services, LLC), TRANS UNION
17 LLC, SUNTRUST MORTGAGE, INC., RKE
18 VALLEY FED CREDIT UNION, and GE
19 CAPITAL RETAIL BANK

20 Defendant.

Case No.

CV 13 2181

COMPLAINT

(Fair Credit Reporting Act)

DEMAND FOR JURY TRIAL

21 PRELIMINARY STATEMENT

22 1. This is an action for damages brought by an individual consumer, Kristen L.
23 Callahan, against Equifax Information Services, LLC, CSC Credit Services, Trans Union LLC,
24 SunTrust Mortgage, Inc., RKE Valley Federal Credit Union and GE Capital Retail Bank for
25 violations of the Fair Credit Reporting Act (hereinafter the "FCRA"), 15 U.S.C. § 1681, *et seq.*

FILED

2013 MAY 13 P 12:18

SIGNATURE OF PLAINTIFF
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LB

THE PARTIES

2. Plaintiff Kristen L. Callahan ("plaintiff") is a consumer as defined by the Fair Credit Reporting Act, 15 USC §1681a(c).

3. Defendant Equifax Information Services LLC ("Equifax") is a consumer reporting agency or "CRA" as defined by the FCRA, 15 USC § 1681a(f). Equifax is a business entity that regularly conducts business in this district.

4. Defendant CSC Credit Services ("CSC") was a consumer reporting agency as defined by the FCRA, 15 USC § 1681a(f). CSC was a business entity that regularly conducted business in this district. Plaintiff is informed and believes that CSC recently was acquired by Equifax and that it is now part of Equifax so that Equifax is financially responsible for damages caused by to plaintiff CSC's FCRA violations.

5. Defendant Trans Union LLC ("Trans Union") is a consumer reporting agency as defined by the FCRA, 15 USC § 1681a(f). Trans Union is a business entity that regularly conducts business in this district.

6. Equifax, CSC and Trans Union are referred to collectively herein as the CRA defendants.

7. Sun Trust Mortgage, Inc. ("Sun Trust") is a mortgage lender that is headquartered in Richmond, Virginia and that regularly does business in California. Sun Trust is licensed by California's Department of Corporations under the California Residential Mortgage Lending Act. Sun Trust furnishes consumer credit information to the CRA defendants.

8. RKE Valley Fed Credit Union ("RKE") is a credit union that is headquartered in Virginia. RKE furnishes consumer credit information to the CRA defendants.

1 9. GE Capital Retail Bank ("GECRB") is a federal savings bank that is
2 headquartered in Utah. GECRB regularly does business in this district. GECRB furnishes
3 consumer credit information to the CRA defendants.

4 10. Sun Trust, RKE and GECRB are referred to collectively herein as the furnisher
5 defendants.
6

7 JURISDICTION AND VENUE

8 11. The court has jurisdiction under 15 USC §1681p and 28 USC § 1331 and
9 supplemental jurisdiction for the state law claims pursuant to 28 U.S.C § 1376.

10 12. Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b).

11 FACTUAL ALLEGATIONS

12 13. Each CRA defendant has been reporting inaccurate information about plaintiff
13 and plaintiff's credit history to third parties from at least June 2011.
14

15 14. The inaccurate information that the CRA defendants have been reporting
16 reflects negatively upon plaintiff and her credit worthiness.

17 15. The inaccurate credit information that the CRA defendants have been reporting
18 has prevented plaintiff from obtaining credit.

19 16. Each CRA defendant has mixed another consumer's information into its credit
20 reports on plaintiff.
21

22 17. Each CRA defendant failed to follow reasonable procedures to assure
23 maximum possible accuracy of the information they placed in their files concerning plaintiff
24 and, as a result, they created credit reports on plaintiff that included information about the
25 credit accounts and history of people who are wholly unrelated to plaintiff and whose
26 information should never have been included on plaintiff's credit report.
27

1 18. Equifax, CSC and Trans Union have long histories of problems with mixed
2 files. Each of those CRAs has been sued previously by consumers for mixing their
3 information with the information that relates to other, different consumers. Plaintiff is
4 informed and believes that some of the CRA defendants entered into settlements with the
5 Federal Trade Commission and agreed to take steps to prevent the mixing of consumer files,
6 but nonetheless they continue to mix the information of various consumers in the credit
7 reports they sell to credit grantors and fail to take appropriate steps to prevent this from
8 occurring.

10 19. Plaintiff has disputed the inaccurate information that each CRA has in its credit
11 reports concerning plaintiff.

12 20. Plaintiff has followed the procedures established by the CRA defendants for
13 disputing inaccurate information in her credit report.

15 21. After receiving plaintiff's dispute notifications, each CRA defendant failed to
16 properly reinvestigate the information in its credit file on plaintiff.

17 22. After being notified of the inaccuracies in its credit reports on plaintiff,
18 Equifax furnished a credit report containing the same inaccurate information to a credit
19 grantor.

20 23. After being notified of the inaccuracies in its credit reports on plaintiff, CSC
21 furnished a credit report containing the same inaccurate information to a credit grantor.

23 24. After being notified of the inaccuracies in its credit reports on plaintiff, Trans
24 Union furnished a credit report containing the same inaccurate information to a credit grantor.

25 25. Under the FCRA, when a consumer reporting agency receives notice of a
26 dispute from a consumer, the CRA is required to notify the person or company that furnished
27

1 the information of the dispute. The CRA's notice must include "all relevant information
 2 regarding the dispute that the agency has received from the consumer...." Plaintiff is
 3 informed and believes that each CRA defendant violated this duty by failing to provide the
 4 furnishers of the disputed information with all relevant information that plaintiff had provided
 5 to the CRAs.

6
 7 26. Plaintiff is informed and believes that the furnisher defendants were notified by
 8 the CRA defendants that plaintiff was disputing information that they were reporting to the
 9 CRAs.

10 27. Plaintiff is informed and believes that each furnisher defendant continued to
 11 report inaccurate information about plaintiff to the CRA defendants after that furnisher had
 12 been notified about plaintiff's dispute.

13 **FIRST CLAIM FOR RELIEF**

14 **Negligent Noncompliance with FCRA by the CRA defendants**

15 28. Plaintiff incorporates by reference paragraphs 1 through 27.

16 29. Equifax, CSC and Trans Union negligently violated the FCRA by

17 a. failing to follow reasonable procedures to assure maximum possible
 18 accuracy of the information in reports concerning plaintiff, 15 USC § 1681e(b);

19 b. failing to follow reasonable procedures to limit the furnishing of
 20 consumer reports to the purposes listed under section 1681b of the FCRA, 15 USC §§
 21 1681b and 1681e(a);

22 c. failing to comply with the requirements of 15 USC § 1681i.

23 30. As a result of each CRA defendant's failure to comply with the requirements
 24 of FCRA, plaintiff has suffered and continues to suffer actual damages, including economic
 25 loss, lost opportunity to receive credit, damage to reputation, invasion of privacy, interference
 26

1 with her normal and usual activities, emotional distress, anger, frustration, humiliation,
 2 anxiety, fear, worry and related physical injuries, for which plaintiff seeks damages in an
 3 amount to be determined by the jury.

4 31. Plaintiff requests attorney fees pursuant to 15 USC § 1681o(a).

5 **SECOND CLAIM FOR RELIEF**

6 Willful Noncompliance with FCRA by the CRA defendants

7 32. Plaintiff incorporates by reference paragraphs 1 through 27.

8 33. Equifax, CSC and Trans Union willfully failed to comply with the
 9 requirements of FCRA by:
 10

- 11 a. failing to follow reasonable procedures to assure maximum possible accuracy
 12 of the information in reports concerning plaintiff, 15 USC § 1681e(b);
- 13 b. failing to follow reasonable procedures to limit the furnishing of consumer
 14 reports to the purposes listed under section 1681b of the FCRA, 15 USC §§
 15 1681b and 1681e(a);
- 16 c. failing to comply with the requirements of 15 USC § 1681i.

17 34. As a result of each CRA defendant's willful failure to comply with the
 18 requirements of FCRA, plaintiff has suffered and continues to suffer actual damages,
 19 including economic loss, lost opportunity to receive credit, damage to reputation, invasion of
 20 privacy, interference with her normal and usual activities, emotional distress, anger,
 21 frustration, humiliation, anxiety, fear, worry and related physical injuries, for which plaintiff
 22 seeks damages in an amount to be determined by the jury. Plaintiff also seeks statutory and
 23 punitive damages in amounts to be determined by the jury.
 24

25 35. Plaintiff requests attorney fees pursuant to 15 USC § 1681n(a).
 26
 27

THIRD CLAIM FOR RELIEF

Negligent Noncompliance with FCRA by the Furnisher defendants

36. Plaintiff incorporates by reference paragraphs 1 through 27.

37. Sun Trust Mortgage, RKE Valley Federal Credit Union and GE Capital Retail Bank negligently violated the FCRA by failing to properly investigate and report the disputed information as required by the FCRA, § 1681s-2(b)(1)(A) through 1681s-2(b)(1)(E).

38. As a result of each furnisher defendant's failure to comply with the requirements of FCRA, plaintiff has suffered and continues to suffer actual damages, including economic loss, lost opportunity to receive credit, damage to reputation, invasion of privacy, interference with her normal and usual activities, emotional distress, anger, frustration, humiliation, anxiety, fear, worry and related physical injuries, for which plaintiff seeks damages in an amount to be determined by the jury.

FOURTH CLAIM FOR RELIEF

Willful Noncompliance with FCRA by the Furnisher defendants

39. Plaintiff incorporates by reference paragraphs 1 through 21.

40. Sun Trust Mortgage, RKE Valley Federal Credit Union and GE Capital Retail Bank willfully violated the FCRA by failing to properly investigate and report the disputed information as required by the FCRA, § 1681s-2(b)(1)(A) through 1681s-2(b)(1)(E).

41. As a result of each furnisher defendant's willful failure to comply with the requirements of FCRA, plaintiff has suffered and continues to suffer actual damages, including economic loss, lost opportunity to receive credit, damage to reputation, invasion of privacy, interference with her normal and usual activities, emotional distress, anger, frustration, humiliation, anxiety, fear, worry and related physical injuries, for which plaintiff

1 seeks damages in an amount to be determined by the jury. Plaintiff also seeks statutory and
2 punitive damages in amounts to be determined by the jury

3 **PRAYER**

4 WHEREFORE, plaintiff prays for judgment against each defendant as follows:

5 On the First and Third Claims for Relief:

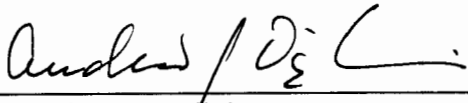
- 6 1. Actual damages to be determined by the jury; and
7 2. Attorney fees and costs.

8 On the Second and Fourth Claims for Relief:

- 9 1. Actual damages to be determined by the jury;
10 2. Statutory and punitive damages to be determined by the jury; and
11 3. Attorney fees and costs.

12 Dated: May 10, 2013

13 ANDERSON, OGILVIE & BREWER LLP

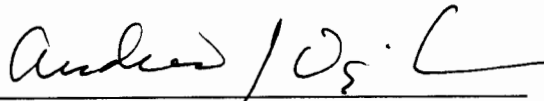
14 By 
15 Andrew J. Ogilvie
16 Attorney for Plaintiff Kristen L. Callahan

17
18 **DEMAND FOR JURY TRIAL**

19 Plaintiff demands a trial by jury on all issues.

20 Dated: May 10, 2013

21 ANDERSON, OGILVIE & BREWER LLP

22 By 
23 Andrew J. Ogilvie
24 Attorney for Plaintiff Kristen L. Callahan